

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 276:

A BILL TO BE ENTITLED

AN ACT

To amend Part 1 of Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to powers of local boards of education relative to public school property and facilities, so as to provide that a local board of education shall not exercise the power of condemnation if another appropriate parcel or parcels of private property located within three miles is for sale for purchase outright; to provide for procedures which shall be followed by a local board of education before exercising the right of eminent domain; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to powers of local boards of education relative to public school property and facilities, is amended by striking Code Section 20-2-521, relating to power of condemnation for local boards of education, and inserting in its place the following:

"20-2-521.

(a) Except as provided in subsection (b) of this Code section, local County boards of education and independent school systems are authorized to take and damage, by condemnation, private property for public school purposes, either for public school building sites, playgrounds, athletic fields, or other purposes in connection with the public elementary, middle, or high schools or any public educational program which is now or may be hereafter authorized by law.

(b) Local boards of education shall not exercise the power of condemnation on private property if another appropriate parcel or parcels of private property is for sale for purchase outright and is located within three miles of the private property which is being considered

1 by the local board for condemnation, unless the local board first makes all reasonable
2 attempts to purchase the other appropriate parcel or parcels which are for sale."

3 **SECTION 2.**

4 Said part is further amended by adding a new Code section at the end of such part to read as
5 follows:

6 "20-2-523.

7 Before exercising the right of eminent domain, a local board of education shall first:

8 (1) Provide for reasonable public notice of the proposed condemnation, which shall
9 include a description of the proposed condemnation including a showing that use of the
10 power of eminent domain may be necessary for public school purposes;

11 (2) Conduct at least three well-publicized public hearings concerning the proposed
12 condemnation, at least one of which hearings shall commence between 6:00 P.M. and
13 7:00 P.M., inclusive, on a business weekday; and

14 (3) Provide for the hearing of any objections to such proposed condemnation."

15 **SECTION 3.**

16 This Act shall become effective July 1, 2006, and shall apply with respect to eminent domain
17 proceedings filed on or after that date.

18 **SECTION 4.**

19 All laws and parts of laws in conflict with this Act are repealed.